

AGENDA

SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (ROAD HEARING)

April 17, 2006

**5:30 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Guinta calls the meeting to order.
2. Mayor Guinta calls for the Pledge of Allegiance.

A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Guinta advises that the purpose of the road hearing is to hear those wishing to speak in favor of or in opposition to proposed street discontinuance petitions, followed by viewing the area of the petitions and determination of the action to be taken on such petitions. Such petitions shall be addressed at which time the Public Works Director shall be requested to make a presentation following which those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.

A. *Petition to layout a portion of Lewis Street*

Mayor Guinta requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Guinta calls for those wishing to speak in favor.

Mayor Guinta calls for those wishing to speak in opposition.

TABLED ITEM

A motion is in order to remove the following item from the table for discussion.

B. *Petition to discontinue a portion of Union East Back Street*
(Tabled 12/19/2005)

Mayor Guinta requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Guinta calls for those wishing to speak in favor.

Mayor Guinta calls for those wishing to speak in opposition.

5. Mayor Guinta advises that a motion is in order to recess the hearing and proceed to view the areas of petitions presented.

6. Mayor Guinta calls the meeting back to order at the site of the first petition.

Item 4A. *Petition to layout a portion of Lewis Street*
Ladies and Gentlemen, what is your pleasure?

7. Mayor Guinta calls the meeting back to order at the site of the second petition.

Item 4B. *Petition to discontinue a portion of Union East Back Street*
Ladies and Gentlemen, what is your pleasure?

8. Mayor Guinta advises that this being a special meeting of the Board, no further business shall be presented and a motion to adjourn would be in order.

A

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition to lay out a portion of Lewis Street be referred to a road hearing to be held on Monday, April 17, 2006 at 5:30 PM in the Aldermanic Chambers.

(Unanimous vote)

At a meeting of the Board of Mayor and Aldermen
held March 21, 2006 On a motion of Ald. O'Neil
duly seconded by Ald. Osborne the report
of the Committee was accepted and its recommendations

Respectfully submitted,

Les L. Bernier

Clerk of Committee

(adopted) ~~(denied)~~

Johnson

City Clerk
Depina

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SL&V
ATTORNEYS AT LAW

January 6, 2006

Manchester City Clerk
One City Hall Plaza
Elm Street
Manchester, NH 03101

RE: Petition to Lay Out a Portion of Lewis Street

To Whom It May Concern:

Enclosed please find a Petition of Michael and Mary Card to Lay Out an existing portion of Lewis Street to be filed with the Board of Mayor and Alderman. The purpose of this Petition is to confirm the public status of Lewis Street as constructed.

As part of our research related to this street we have determined that this portion of Lewis Street was dedicated on a plan recorded in the Hillsborough County Registry of Deeds as plan # 327 in September 1914. The street was not constructed until on or about 1964 at the same time that the houses at 90 Lewis Street and 65 Lewis Street were constructed. The City of Manchester at that time also extended public water, drainage and sewer lines into the extended portion of Lewis Street. For some undetermined reason a Petition to Lay Out the new portion of Lewis Street was filed at that time but not pursued by the former land owner. The City of Manchester has been plowing and otherwise maintaining Lewis Street since its construction in 1964.

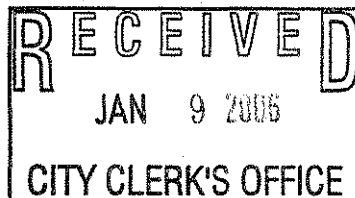
The Petitioners waive any claim for compensation or damages related to this Petition since the street has been utilized as a public way for all purposes since 1964. This Petition is requested to formally confirm the status of Lewis Street as a public way.

The following parties are abutters to the affected portion of Lewis Street:

Patricia M. Mekshes, 28 Pasture Drive, Manchester, NH 03102
Nessly J. and Denise T. Geer, 90 Lewis Street, Manchester, NH 03102-4921

STEBBINS, LAZOS & VAN DER BEKEN
PROFESSIONAL ASSOCIATION

The Daily Mirror Building
66 Hanover Street, Suite 301
Manchester, NH 03101
Telephone (603) 627-3700
Facsimile (603) 641-8900

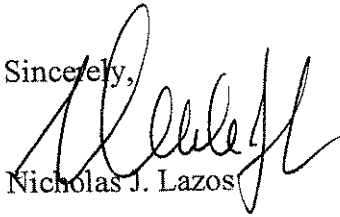


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City of Manchester School Department
Joseph and Mary Doucet, 51 Lewis Street, Manchester, NH 03102-4939
Michael and Mary Card, 65 Lewis Street, Manchester, NH 03102

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicholas J. Lazos', written over the word 'Sincerely,'.

Nicholas J. Lazos

Enclosure

cc:

Michael and Mary Card
65 Lewis Street
Manchester, NH 03102

A

To the Honorable Board of Mayor and Aldermen of the City of Manchester:

The Undersigned respectfully petition and represent that for the accommodation of the public that there is occasion pursuant to New Hampshire RSA 231:8 for the formal laying out of a class V highway over a portion of LEWIS STREET, which has been maintained by the City of Manchester for approximately 40 years and is more particularly described as follows:

Beginning at a point on the Northerly line of Lewis Street, 400' Westerly of the Westerly line of Summerside Ave.

Said streets are platted streets on a plan of Summerside Heights, 1914, thence

N 83° 37' 40" W, 214.42' to the Westerly terminus of the layed out Highway.

Meaning to describe the Northerly line of the platted Lewis Street and the Highway to be 40' wide.

Meaning and intending to create a public way 40' wide over the platted Lewis Street.

We therefore request that you confirm the legal status of the Highway described above and formally lay out said Highway as a public way.

Michael and Mary Card
By their attorneys
Stebbins, Lazos & Van Der Beken, P.A.

By: 

Dated: January 6, 2006



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Henry R. Bourgeois
William F. Kelley
Michael W. Lowry
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

January 26, 2006

Community Improvement Committee of the Board of Mayor and Aldermen
City Hall
c/o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION TO LAYOUT A PORTION OF LEWIS STREET

Dear Committee Members,

Lewis Street runs westerly from Summerside Street, past James A. Pollock Drive, to a dead end. The street was originally dedicated on a subdivision plat entitled "Plan of Summerside Heights" by Frank Gay, September 11, 1914. The easterly 400' of the street was accepted by the City June 27, 1941 and recorded at Roads, Streets and Bridges book 11 page 43. A petition for layout and a petition to establish grade were filed April 27, 1966 asking the City to extend the road westerly 192.37'. Record of the disposition of the petitions by the Board of Mayor and Aldermen was not found.

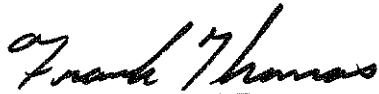
Similarly this petition is asking to layout from the end of the current accepted way and run westerly 214.42' to about 24' beyond the end of the existing pavement. The first 190.25' of the petitioned area is currently paved and has active water, sewer and drainage lines. The remaining 24.17' of the area would be for slopes and snow storage. The Highway Department re-paved this part of the street in 1996 and the street appears to be in good condition.

There are a number of costs associated with the layout of the street by statute. The petitioner should be held to perform required title searches, legal notifications and pay damages due titleholders to the satisfaction the City Solicitor.

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The Highway Department supports this petition as the street is currently treated as a public way.

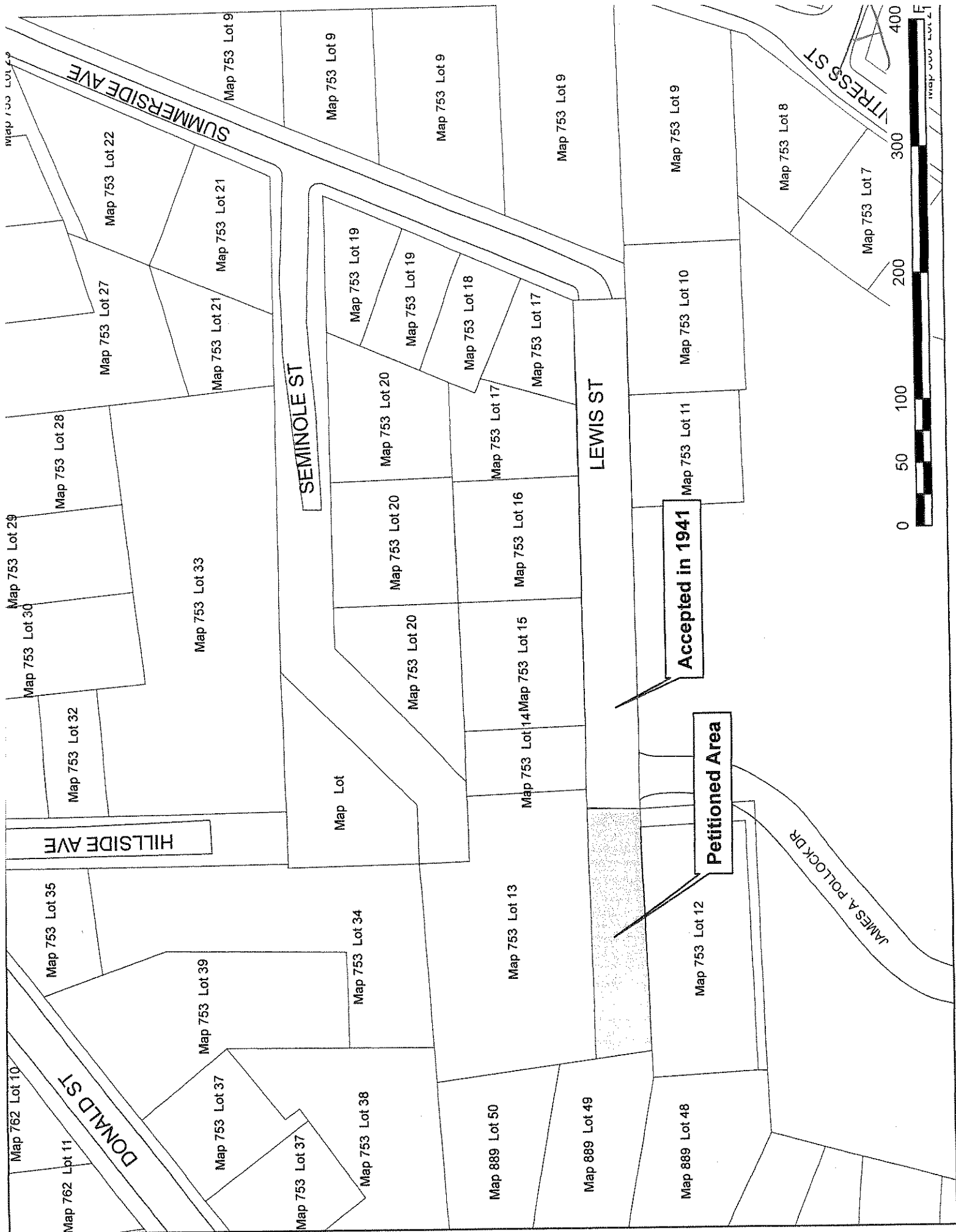
Sincerely,

A handwritten signature in cursive script that reads "Frank Thomas".

Frank Thomas, P.E.
Public Works Director

MJM

cc: File



B

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition for the discontinuance of a portion of Union East Back Street be referred to a road hearing to be held on Monday, April 17, 2006 at 5:30 PM in the Aldermanic Chambers.

(Unanimous vote)

Respectfully submitted,

Leo R. Bernier

Clerk of Committee

At a meeting of the Board of Mayor and Aldermen

held March 21, 2006 on a motion of Ald. Garritty

fully seconded by Shea the report

of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

[Signature]
City Clerk



CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

January 30, 2006

Douglas W. Draper
430 Walnut Street
Manchester, NH 03104

Re: Petition for Discontinuance

Dear Mr. Draper:

As you are aware your petition for discontinuance was tabled at the road hearing held on December 19, 2005 pending reports from the Committee on Community Improvement and City Clerk's office.

Please be advised that this matter will be deferred until the March 7th meeting of the Committee on Community Improvement allowing additional time for the Clerk's office to research this matter further.

Sincerely,

Leo R. Bernier
City Clerk

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RECEIVED
MANCHESTER CITY CLERK

'05 AUG 29 09:49

+ very nice
CIPD memo +
City Clerk's Office
Douglas W. Draper
430 Walnut Street
Manchester, NH 03104

August 29, 2005

Community Improvement Committee
% Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101

Re: Petition for Discontinuance

Attn: Paula LeBlond-Kang

Dear Mrs. LeBlond-Kang:

I am enclosing a current Tax Map of my property at 432-430 Walnut Street, Manchester, NH. The red crosshatched area is the area that I am petitioning the Community Improvement Committee for discontinuance. I want to acquire the rights to this land and I need the Committee to Quiet Title.

My neighbors at 953 Union Street has already acquired 10 feet of this City-owned 20' right-of-way and I want to acquire the other ten feet that abuts my property. Enclosed is also a MEMO ONLY copy of a map entitled, PRIVATE LAND SEWERAGE dated January 24, 1923, page 3702. This map indicates that at that date, the 20' City-owned right-of-way, separating my property at 432-430 Walnut Street and my neighbor's property at 953 Union Street was, in fact, 20' wide at that time. Since that date, it is obvious that at some point in time, between now and then that these same neighbor's acquired ten feet of that passageway.

I am respectfully asking the Committee to allow me the same courtesy of acquiring the other 10' of that passageway which directly abuts my property.

Sincerely,

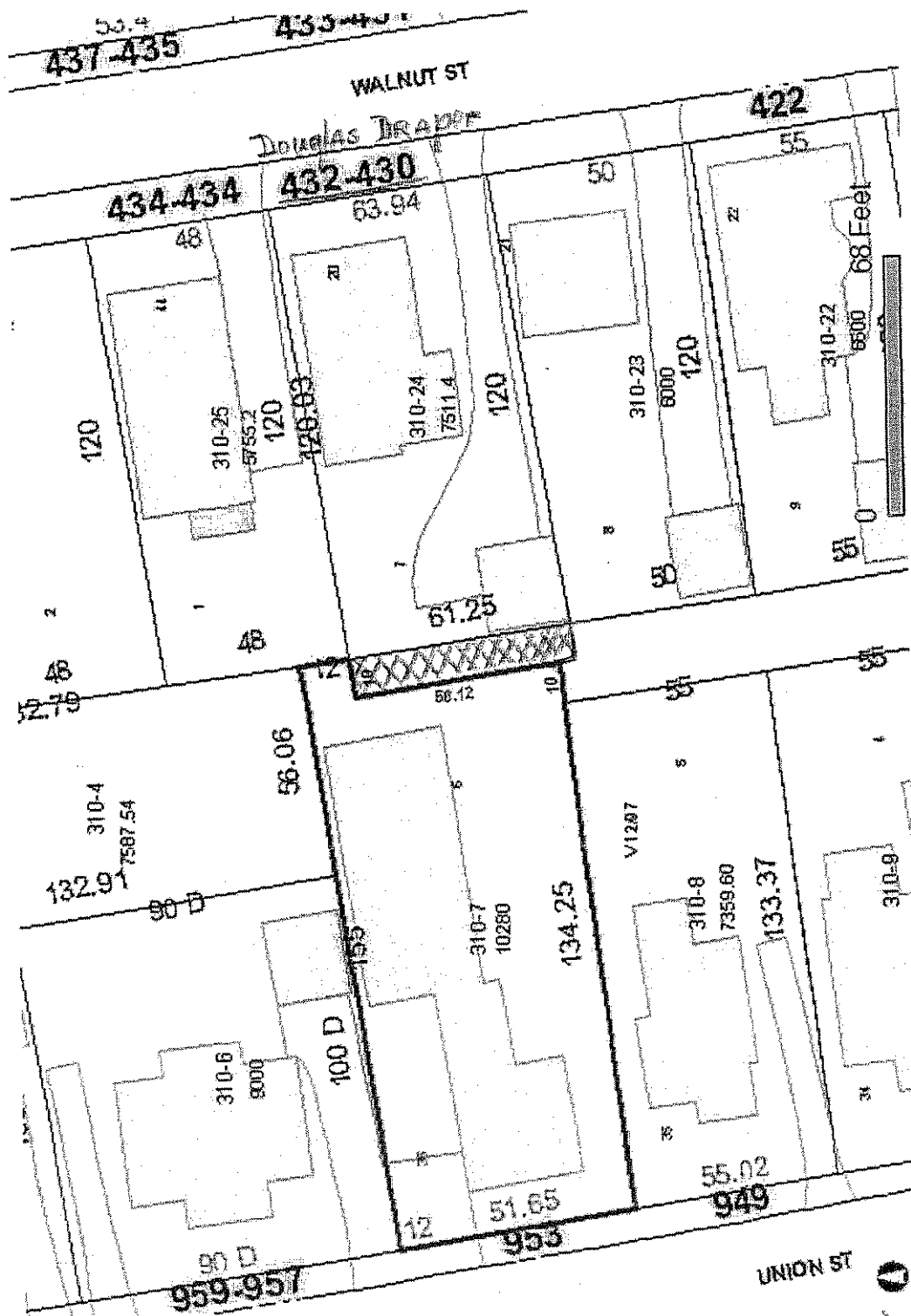
Douglas W. Draper

Douglas W. Draper

Current Tax Map

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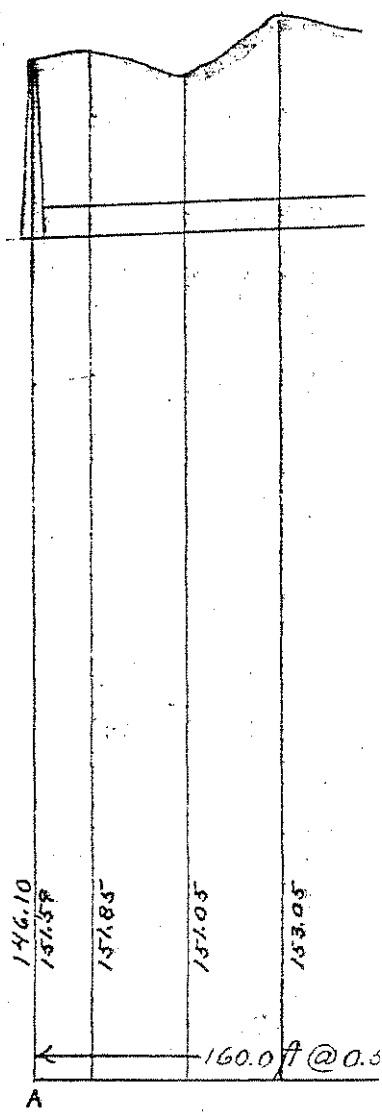
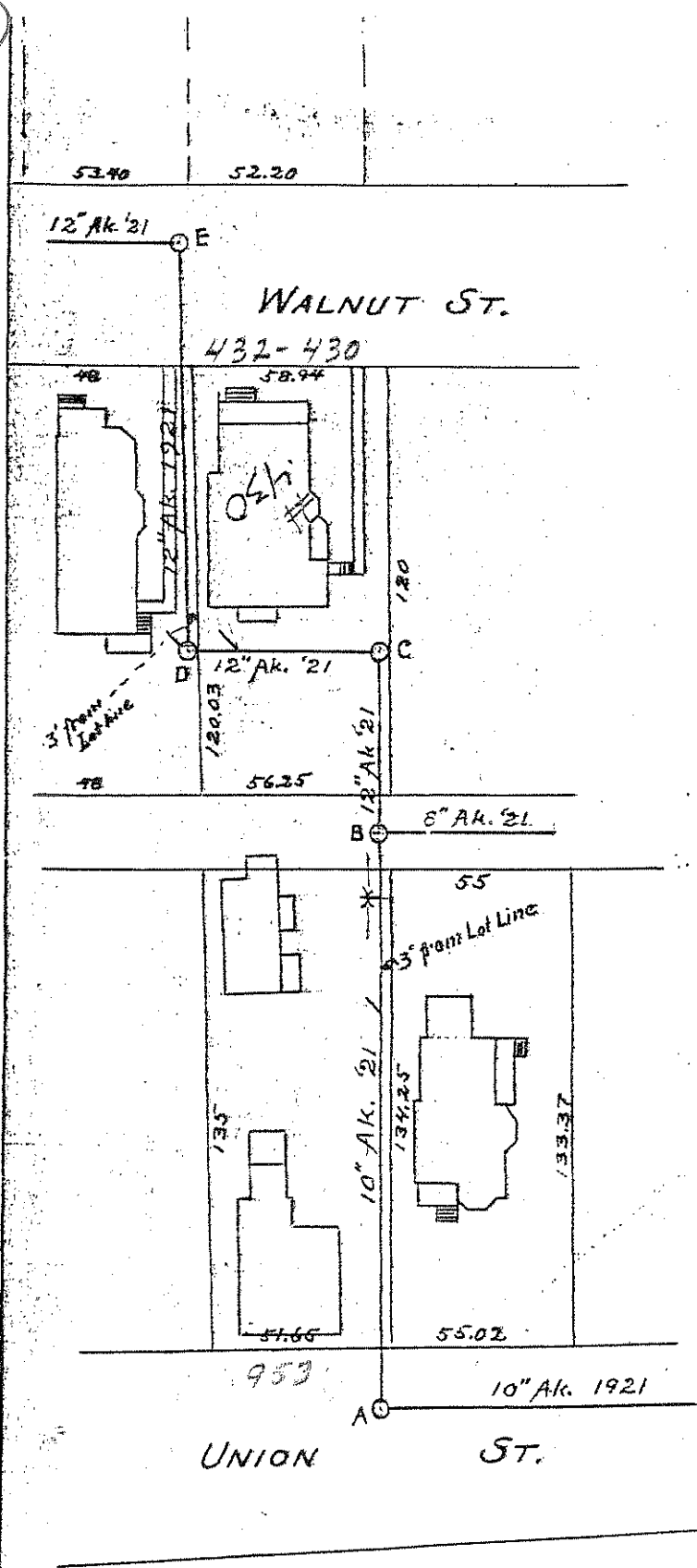
8/26/2005



UNION ST

I acquired this map from the Assessor's Department on 8.26.05. (Doug Draper)

<http://ia/giswebsde/MapFrame.htm>



MEMO ONLY



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission
Edward J. Beleski
- Chairman
Henry R. Bourgeois
William F. Kelley
Michael W. Lowry
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

September 27, 2005

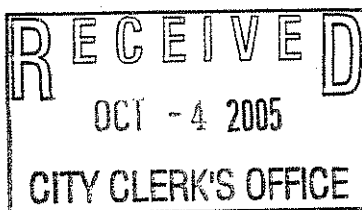
Community Improvement Committee of the Board of Mayor and Aldermen
c/o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION TO DISCONTINUE A PORTION OF UNION EAST BACK STREET

Dear Committee:

We have reviewed the referenced item and have found the following:

- Union East Back Street was dedicated by a subdivision plan entitled "Land of Mrs. H.C. Lowell" by George H. Allen dated October 13, 1892.
- There are no acceptances or return of layout for Union East Back Street in the records of the City Clerk.
- This portion of Union East Back Street does not appear to have been opened or built for public travel.
- Since the dedication of this street is before 1893, it would need to be released and discharged by the Board of Mayor and Aldermen.
- There is a sewer line crossing a part of the area of the petition also crosses the Draper property. No written easement was found for the sewer line despite having been installed in 1921.

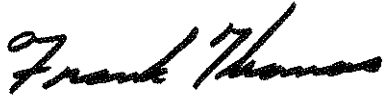


September 28, 2005

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The Highway Department supports this petition if provision is made for a 20' sewer-drain easement, centered on the existing pipe, is provided by the owner.

It is our understanding that the release and discharge action does not require a view by the Committee.

Sincerely,



Frank Thomas, P.E.
Public Works Director

MJM

cc: File

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B

Douglas W. Draper
430 Walnut Street
Manchester, NH 03104

December 13, 2005

Leo R. Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Petition for the discontinuance of a portion
of Union East Back Street

Dear Mr. Bernier:

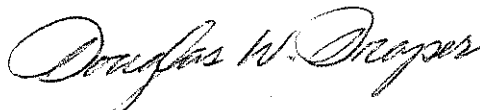
For your reference, I am enclosing a copy of your letter to me dated 11-15-05, along with copies of the enclosures you sent with that letter.

Among your enclosures is a letter addressed to City of Manchester, Department of Highways, dated 9-27-05, written by Frank Thomas, P.E., Public Works Director. On Page 2 of that letter, Mr. Thomas writes, "The Highway Department supports this petition if provision is made for a 20' sewer-drain easement, centered on the existing pipe is provided by the owner."

As I am only seeking to acquire 10' of this Union East Back Street property, I can not provide an easement of 20' because the other 10' has already been acquired by its 953 Union Street abutter. Additionally, since the sewer line runs West to East, the only footage of sewer line, centered on the existing pipe, could only be 10' as it pertains to the property I am seeking to acquire.

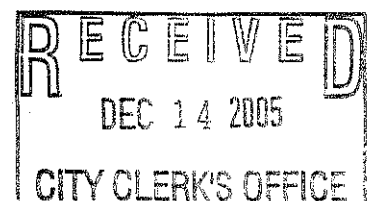
I brought this discrepancy to the attention of Martin Miccio of the Engineering/ Highway Department. He indicated that he would write a letter to you correcting this error. I believe the attached map, dated 11-28-05, entitled "Proposed Street Release and Discharge, Union East Back At 430 Walnut Street", is his response. On the map it shows "Sewer Easement to City". Because the sewer easement, as depicted on the map is contained within the property I am seeking to acquire, I am in full agreement that the City has this easement on that property.

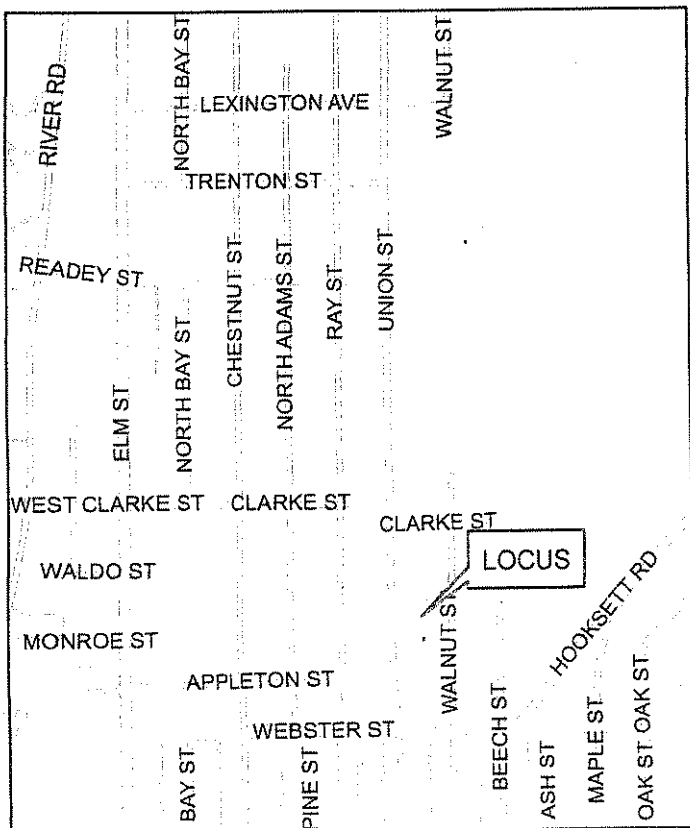
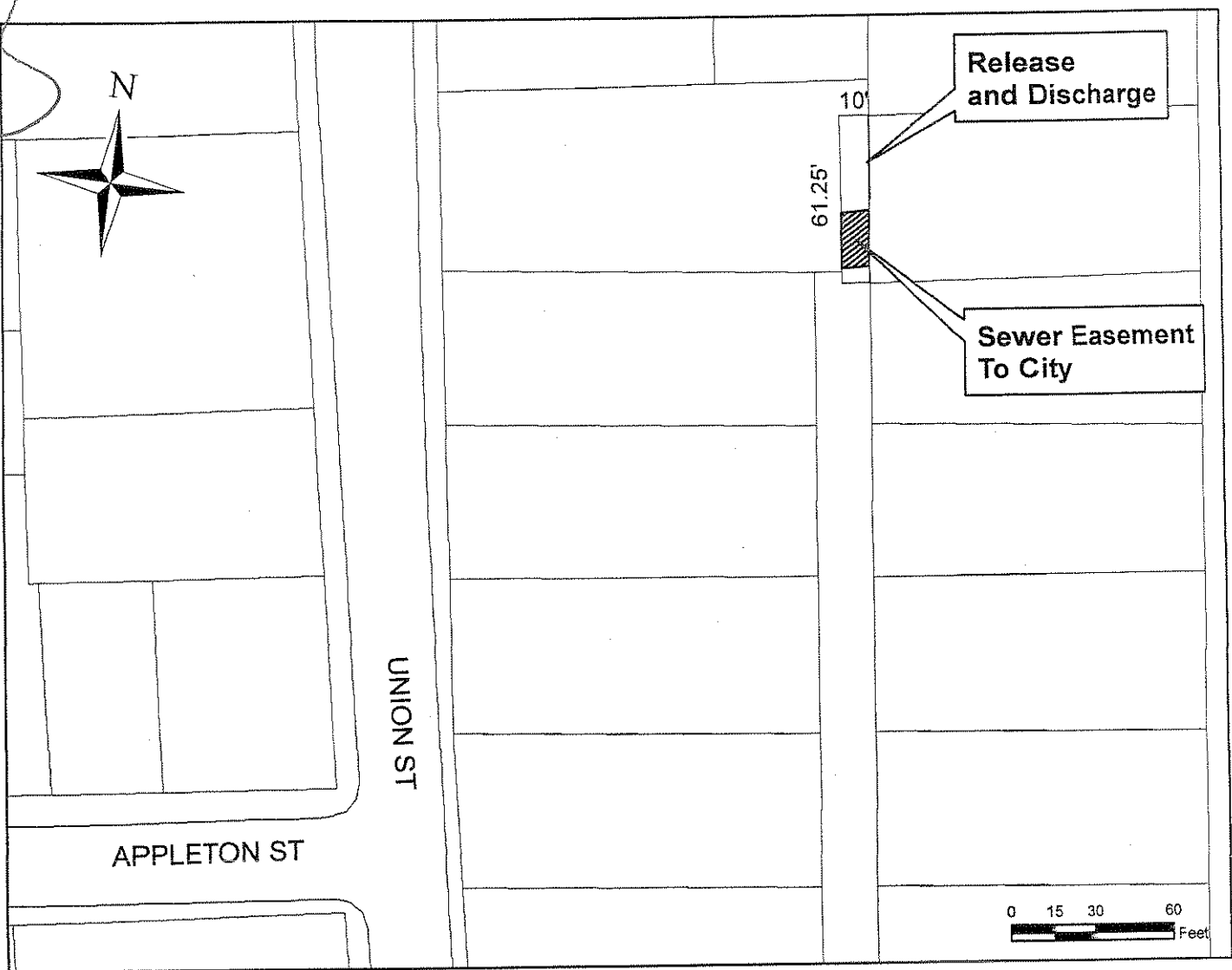
Sincerely,



DOUGLAS W. DRAPER

Re: See Attached Map Dated 11-28-05





Proposed Street Release and Discharge

**Union East Back
At 430 Walnut Street**



Manchester, NH
November 28, 2005